



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-45**

December 8, 2003

Roger & Francine Jean
Po Box 306
Amherst, NH 03031

RE: DES Wetlands File #1999-01382 Piper's Point Road, Alton

Dear Mr. and Ms. Jean:

During the summer of 2003, DES personnel conducted inspections of lakefront projects approved in 1999. Wetlands and Non-Site Specific Permit # 1999-01382 (the "Permit") was issued to you on February 29, 2000 for the replacement of four tie-off pilings, and 13 cu yds of dredge on the property located on Piper's Point Road in Alton, more specifically referenced on Town of Alton Tax Map 21A as Lot 10 (the "Property"). On August 12, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the Property. The purpose of the inspection was to determine compliance with RSA 482-A, NH Wetlands Law, and RSA 483-B, NH Comprehensive Shoreland Protection Act.

The inspection revealed that the pilings were installed in accordance with the approved plans by Winnepesaukee Marine Construction dated July 7, 1999 as received by the Department on July 14, 1999, but the 195 square foot patio located near the docking facility and 9 feet from the normal high water line (elevation 504.32 on Lake Winnepesaukee) is not in compliance with the standards for accessory structures set forth by RSA 483-B and Administrative Rules Env-Ws 1400-1409. Pursuant to Shoreland Rules Env-Ws 1405.03, Status, and Env-Ws 1405.04, Setback, accessory structures constructed since 1995 shall have a footprint no larger than 150 square feet and shall be set back at least 20 feet from the reference line. All patios constructed since January 1st, 2001 must meet this criteria.

A subsequent review of DES records indicates that DES has not received a copy of the recorded permit as required by specific condition 4 of the Permit. Specific Condition 4 of the Permit required the Permit to be recorded with the Registry of Deeds Office by the Permittee and a copy of the recorded Permit to be submitted to the DES Wetlands Bureau prior to construction.

In response, you are requested to take the following actions:

- Please submit a copy of the recorded Permit to DES within 30 days; and,
Within 30 days please submit photographs verifying that the deck has been moved to a location at least 20 ft landward of the normal high water line and reduced to less than 150 square feet; or,
3. Within 30 days please submit information verifying that the deck was in place prior to 1995

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted in 1995 to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future

subdivision, use, and development of the shorelands within 250 feet of the state's public waters

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, bold, black "COPY" stamp.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5048

cc: Rene Pelletier, Manager, Land Resources Management Program
✓Gretchen Rule, Administrator, DES Legal Unit
Alton Conservation Commission
Alton Board of Selectmen
David Killoy, USACOE
Winnepesaukee Marine Construction